

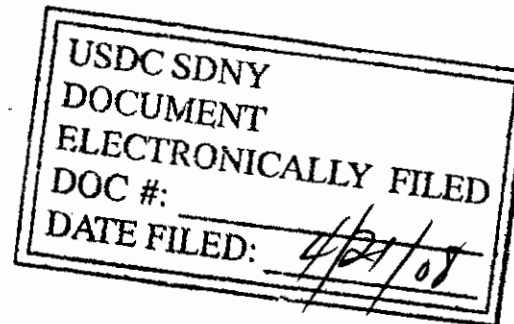
LEVI & KORSINSKY, L.L.P.

39 BROADWAY, SUITE 1601
NEW YORK, NEW YORK 10006

TEL: (212) 363-7500
FAX: (212) 363-7171
WWW.ZLK.COM

EDUARD KORSINSKY
ek@zlk.com

April 17, 2008



VIA US MAIL AND FACSIMILE (212-805-7941)

Hon. Loretta A. Preska
United States District Judge
United States Courthouse
500 Pearl Street, Room 1320
New York, NY 10007

Re: *Stanton v. Merrill Lynch & Co., Inc., et al.*, 08-cv-3054 (LAP)
08- 3037 (LAP)

Dear Judge Preska:

We represent plaintiff Richard Stanton in the above referenced case. We write to inform the Court that Mr. Stanton does not waive recusal under Section 28 U.S.C. § 455(a) in response to the Court's March 31, 2008 Memorandum.

Merrill Lynch & Co. Inc. and Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch") states in its April 17, 2008 letter that recusal is unwarranted, citing to *In re Digital Music Antitrust Litig.*, No. 06 MDL 1780 (LAP), 2007 U.S. Dist. LEXIS 13567 at *40-42 (S.D.N.Y. Feb 27, 2007). However, it appears to us that this case is distinguishable from *Digital Music* because recusal is sought at the outset prior to the issuance of any rulings in the matter and, unlike in *Digital Music*, Your Honor's husband personally works on matters involving Merrill Lynch, the sole defendant in this action.

Should the Court wish to schedule a conference to address this issue, we are of course available at the pleasure of the Court.

Very truly y-ours,

A handwritten signature in cursive script that reads "Eduard Korsinsky".

Eduard Korsinsky

cc: Jay B. Kasner, Esq.
Stephen L. Saxl, Esq.
Steven Weiss, Esq.
Norman Siegel, Esq.
Daniel C. Girard, Esq.